

# Parks and Recreation Department

## 1998-99 Annual Concession Report

October 1999

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## I. Introduction

City of Austin Ordinance No. 890126-P, known as the Town Lake Ordinance, requires that an annual report concerning the status of concessions in Town Lake Park, including the Zilker Park area, be prepared by the Parks and Recreation Department and presented to the Parks and Recreation Board and the Environmental Board in October of each year. The report shall describe the current concessions in Town Lake Park, including operations, sales and revenues for the prior fiscal year, along with any issues or problems that may have arisen.<sup>1</sup> In addition to current concessions, any information regarding new concessions in Town Lake Park shall be presented as well. The Parks and Recreation Board and the Environmental Board shall then make a recommendation to the City Council within 30 days of receipt of the report regarding appropriate concessions in Town Lake Park, the status of existing concessions and the advisability of issuing Request for Proposals (RFP) for any new concessions.

## II. Current Concessions

There are currently six concessions in Town Lake Park which have or are eligible for contracts of a year or more and have permanent facilities. The six concessions include 3 boat related concessions, a train concession, a pitch and putt golf course, and a food and beverage concession. The three public boat related concessions along with private boat concessions provide a total of 99 boats for rent on Town Lake.

As shown in the table below, gross sales for these concessions in 1998-99 were \$1,109,455 or 24.9% more than the 1997-98 sales, while revenue to the City was \$181,024 or 17.4% more than in 1997-98.

*Current Concessions Table*

Concession	Commission Paid	1997-98 Gross Sales	1998-99 Gross Sales	1997-98 Revenue to the City	1998-88 Revenue to the City
Barton Springs F&B	38%	\$238,495	\$297,260	\$88,434	\$100,838
Butler Pitch & Putt	\$1,000/month	\$44,936	\$37,790	\$12,000	\$12,000
Lone Star River Boat	5%	\$209,615	\$225,266	\$10,255	\$10,450
L'Aviron Rowing	10%	\$60,382	\$87,471	\$6,050	\$8,260
Zilker Canoe Rental	11% of first \$40k & 12% thereafter	\$106,673	\$154,641	\$12,409	\$17,244
Zilker Zephyr Railroad	11%	\$228,350	\$307,027	\$25,026	\$32,232
<b>Total</b>		<b>\$888,451</b>	<b>\$1,109,455</b>	<b>\$154,174</b>	<b>\$181,024</b>

### Rowing and Riverboat Concession

#### History

The Parks and Recreation Department currently has two concessions, the rowing and riverboat concessions, which have been operating on Town Lake on a month to month basis since 1995. At that time the Parks Department presented these two concessions to City Council for approval of contracts. Rather than grant approval of the contracts, the City Council instructed the Parks Department to rewrite the concession policy, and stated it would not award any new contracts on Town Lake until the concession policy was updated. The policy was revised with the assistance of the Parks and Recreation Board, the Environmental Board, and City staff, and approved by the City Council on March 13, 1998. At this point the Parks Department went out for bid on these two concessions. A committee consisting of Parks and Recreation Board members, Environmental Board members, and City staff was assembled on August 21, 1998 to review and evaluate proposals for these two concessions. Clear and concise selections were made and

<sup>1</sup> Temporary concessions, defined as those involving no permanent facilities and having a contract term shorter than one year, are not included in this report.

recommendations were forwarded to the Purchasing Department in order to be placed on the Council Agenda for approval. At this time both recommendations were protested.

#### Current Status

In March of 1999 a new Request for Proposal (RFP) was issued for the riverboat concession. Responses were received from the same two parties involved in the first bidding process. A new committee comprised of Parks Board members and City staff was formed to evaluate the responses. A recommendation that the current concessionaire be awarded the contract was forwarded to the Purchasing Department. A bid protest is currently underway.

A clarification of bid addendum was used for the rowing concession bid process. This addendum is used to clarify and liken proposals, in order to simplify and equalize the evaluation of the proposals. Once again, a new committee was formed to evaluate the bid addenda. The committee's recommendation matched that of the previous committee's, as it recommended that the current concessionaire not be awarded the contract and be required to vacate the premises. A protest was filed and the decision was upheld by the Purchasing Office. PARD took the recommendation forward to the City Council which overturned the Parks Board's recommendation and directed that both parties be awarded contracts for rowing concessions on Town Lake. L'Aviron, the incumbent concessionaire, was to remain in their current location, and the Parks Department was to find a suitable location for Rowing Dock, the new concessionaire. The Parks Department established a new location for Rowing Dock on Stratford Drive next to the Austin Nature and Science Center. Contracts are in negotiation and are expected to be signed by the end of November.

### **III. Other Concession Activity**

#### **Concession Policy**

There were not any revisions to the concession policy in 1998-99. The concession policy should be revisited every 2-3 years or as the need arises to allow the "policy" to be an effective tool to regulate and control the City of Austin Parkland. With the City Council approving the Concession on Parkland Policy on March 13, 1998, unless needed the policy should be revisited in the summer of 2000.

A copy of the City Council Approved concession policy is included "Attachment 1".

#### **Other Permanent Concessions**

- |                                   |                   |
|-----------------------------------|-------------------|
| a. Krieg Softball Complex         | (Vacant)          |
| b. Havens Softball Complex        | (Vacant)          |
| c. Emma Long Metropolitan Park    | (Bar-B-Q)         |
| d. Clay/Kizer Golf Course         | (Food & Beverage) |
| e. Morris Williams Golf Course    | (Food & Beverage) |
| f. Lions Munciple Golf Course     | (Food & Beverage) |
| g. Vending Machines at PARD Sites |                   |

### **IV. Concession Status**

The following section of this report will discuss each of the permanent concessions with regard to each location, contract term, general activities, reviews, sales, revenues, and commissions for the 1998-1999 fiscal year.



### A. Barton Springs Food and Beverage

Concessionaire	Location
Mr. Willie Rodriguez	Zilker Park – near Barton Springs Pool
5000 Broken Bow	
Austin, Texas 78745	
(512) 444-5992	
(512) 447-5872	
Hours of Operation	Sign Posted
9:00 a.m. – 8:00 p.m., Monday – Friday	Yes – menu
9:00 a.m. – 10:00 p.m., Saturday and Sunday	

#### General Activities

Barton Springs Food and Beverage is the City's oldest concession. Mr. Willie Rodriguez of Rodriguez Concession, Inc. has been managing the concession since May 1, 1950. A five-year contract with a five-year extension option was executed on December 1, 1993. The final 5-year extension of the contract was executed, with the expiration of this extension being November 30, 2003.

Tables 1 & 2 illustrate the monthly sales and revenue to the City for Barton Springs Food and Beverage for the past five fiscal years. The 1998-99 sales of \$297,260 are 24.6% more than the 1997-98 sales, resulting in a 14 % or a \$12,404 increase in revenue.

#### Concession Review

A desk review of the concession was completed to assess certain financial and performance related contract compliance issues, i.e. quarterly sales tax reports, monthly financial reports and insurance bond coverage. The City has received all of the revenue due under the contract; results indicate all insurance's are in compliance of contract.

**Table 1: Barton Springs Food and Beverage Sales**

	Sales 94-95	Sales 95-96	Sales 96-97	Sales 97-98	Sales 98-99
<i>October</i>	8,490	16,710	10,105	9,006	13,486
<i>November</i>	8,623	8,797	6,944	8,638	12,783
<i>December</i>	5,019	5,977	6,519	3,705	8,836
<i>January</i>	9,145	10,076	6,561	8,843	14,467
<i>February</i>	10,110	14,839	8,786	9,511	18,720
<i>March</i>	19,586	21,335	23,621	19,130	18,937
<i>April</i>	23,477	26,161	14,902	23,967	38,678
<i>May</i>	26,859	34,992	27,298	37,572	32,191
<i>June</i>	29,151	43,023	19,316	38,086	34,949
<i>July</i>	41,399	50,865	42,419	40,360	42,510
<i>August</i>	25,399	29,261	34,028	23,777	36,917
<i>September</i>	20,411	20,994	21,028	15,900	24,786
<b>Total</b>	\$227,669	\$283,030	\$221,527	\$238,495	\$297,260

**Table 2: Barton Springs Food and Beverage Revenue to the City**

	Rev. 94-95	Rev. 95-96	Rev. 96-97	Rev. 97-98	Rev. 98-99
<i>October</i>	3,226	5,880	3,840	3,528	4,734
<i>November</i>	3,277	3,088	2,639	3,282	4,488
<i>December</i>	1,907	2,098	2,477	1,299	3,102
<i>January</i>	3,475	3,537	2,493	3,360	5,078
<i>February</i>	3,842	5,209	3,339	3,614	6,571
<i>March</i>	7,443	7,489	8,976	7,270	6,647
<i>April</i>	8,921	9,184	5,663	9,107	10,067
<i>May</i>	10,206	12,283	10,373	13,189	11,300
<i>June</i>	11,078	15,114	7,340	13,370	12,268
<i>July</i>	15,732	17,856	16,119	15,337	14,923
<i>August</i>	9,652	10,272	12,931	9,036	12,959
<i>September</i>	7,896	7,370	7,990	6,042	8,701
<b>Total</b>	\$86,655	\$99,380	\$84,180	\$88,434	\$100,838

**B. Butler Pitch and Putt**

<b>Concessionaire</b>	<b>Location</b>
Mr. Winston Kinser	201 Lee Barton Drive
2600 Stratford Drive	(512) 477-9025
Austin, Texas 78703	
(512) 327-0761	
<b>Hours of Operation</b>	<b>Sign Posted</b>
8:30 AM until dark, seven days a week	Yes

**General Activities**

Butler Pitch and Putt offers "par three" short irons of golf to participants of all ages. The current concessionaire, Mr. Winston Kinser, and his brother designed the course in 1949. Opened in 1950, Butler Pitch and Putt is one of the City's oldest concessions. Mr. Winston Kinser and his son Al Kinser were awarded a five-year contract with a five-year extension option in April 1993. The first five years of this contract expired March 31, 1998. The extension option of this contract was executed and will expire March 31, 2003. Under their contract the Kinsers pay a flat rate of \$1,000 per month instead of the previous 30% of gross sales. In addition to operating the concession, the Kinsers are responsible for the continued maintenance and upkeep of the course, an annual cost savings of approximately \$20,000 to the City of Austin.

Tables 3 & 4 illustrate the monthly sales and revenue to the City for Butler Pitch and Putt for the past five fiscal years. 1998-99 sales of \$37,790 are 15.9% less than the 1997-98 sales. The flat rate paid equates to paying the Parks and Recreation Department 32% for 1998-99. The amount of revenue received by the City in 1998-99 remained unchanged from 1997-98.

**Concession Review**

A desk review of the concession was completed to assess certain financial and performance related contract compliance issues, i.e. quarterly sales tax reports, monthly financial reports and insurance bond coverage. The City has received all of the revenue due under the contract; results indicate all insurance's are in compliance of contract

**Table 3: Butler Park Pitch and Putt Green Fees and Merchandise Sales**

	Sales 94-95	Sales 95-96	Sales 96-97	Sales 97-98	Sales 98-99
<i>October</i>	2,251	2,510	2,837	3,811	2,741
<i>November</i>	1,520	2,195	2,307	3,271	2,443
<i>December</i>	386	653	1,449	2,494	1,839
<i>January</i>	210	419	3,290	2,316	2,341
<i>February</i>	176	348	5,157	1,984	2,233
<i>March</i>	823	986	7,375	3,051	3,224
<i>April</i>	1,403	1,761	6,730	4,685	3,687
<i>May</i>	2,305	2,736	9,052	4,356	3,823
<i>June</i>	3,150	3,191	8,360	4,815	5,154
<i>July</i>	3,821	4,258	12,991	5,675	3,635
<i>August</i>	3,976	4,425	10,251	5,500	2,801
<i>September</i>	2,611	3,725	5,835	2,978	3,869
<b>Total</b>	\$22,632	\$27,207	\$75,634	\$44,936	\$37,790

**Table 4: Butler Park Pitch and Putt Revenue to the City**

	Rev. 94-95	Rev. 95-96	Rev. 96-97	Rev. 97-98	Rev. 98-99
<i>October</i>	1,000	1,000	1,000	1,000	1,000
<i>November</i>	1,000	1,000	1,000	1,000	1,000
<i>December</i>	1,000	1,000	1,000	1,000	1,000
<i>January</i>	1,000	1,000	1,000	1,000	1,000
<i>February</i>	1,000	1,000	1,000	1,000	1,000
<i>March</i>	1,000	1,000	1,000	1,000	1,000
<i>April</i>	1,000	1,000	1,000	1,000	1,000
<i>May</i>	1,000	1,000	1,000	1,000	1,000
<i>June</i>	1,000	1,000	1,000	1,000	1,000
<i>July</i>	1,000	1,000	1,000	1,000	1,000
<i>August</i>	1,000	1,000	1,000	1,000	1,000
<i>September</i>	1,000	1,000	1,000	1,000	1,000
<b>Total</b>	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000

### C. Lone Star Riverboat

<b>Concessionaire</b>	<b>Location</b>
Mr. Michael K. Pearce	101 South First
P.O. Box 160608	(512) 327-1388
Austin, Texas 78716	
<b>Hours of Operation</b>	<b>Sign Posted</b>
<i>Summer Hours (June – August):</i>	Yes
Public rides: Tuesday – Sunday 5:30; Friday Night 10:30	
Private charters: on a reservation basis	
<i>Fall and Spring Hours (Sept. – Nov. &amp; March – May)</i>	
Public rides: Saturday – Sunday 3:30 p.m.	
Private charters: on a reservation basis	
<i>Winter Hours (Dec. – Feb.)</i> Private charters: on a reservation basis	

#### General Activities

The Lone Star Riverboat is an old-fashioned style stern paddle wheel riverboat that has been providing rides on Town Lake since 1979. The current owner of the riverboat, Mr. Michael Pearce, purchased the boat from Mr. Jerry Snodgrass in June of 1987. Narrated tours of the lake, which last 1½ hours, are available to the public Tuesday through Sunday at 5:30 p.m. A "Moonlight Cruise", which is not narrated, is offered on Friday nights at 10:30. Public rides are offered on Saturday and Sunday at 3:00 p.m. during off months. Prices for public rides are as follows: \$9.00 for adults, \$7.00 for seniors, and \$6.00 for children under twelve. Private charters occur on a reservation basis only and constitute approximately 75% of the concession's annual gross receipts. Catering is available on charters.

This concession currently operates on a month-to-month basis. This concession is currently out on bid, a recommendation was forwarded and a bid protest was filed. The concessionaire currently pays the City 5% of gross sales. Tables 5 & 6 illustrate the monthly sales and revenue to the City for Lone Star Riverboat for the past five fiscal years. The 1998-99 sales of \$225,266 are 7.5% more than the 1997-98 sales, resulting in a 2% or a \$195 increase in revenue.

#### Concession Review

A desk review of the concession was completed to assess certain financial and performance related contract compliance issues, i.e. quarterly sales tax reports, monthly financial reports and insurance bond coverage. The City has received all of the revenue due under the contract; results indicate all insurance's are in compliance of contract.

**Table 5: Lone Star Riverboat Sales**

	Sales 94-95	Sales 95-96	Sales 96-97	Sales 97-98	Sales 98-99
<i>October</i>	22,590	21,310	17,909	20,327	20,974
<i>November</i>	10,260	11,576	11,947	11,333	11,043
<i>December</i>	1,731	5,777	9,951	9,404	3,988
<i>January</i>	1,663	1,293	710	2,819	901
<i>February</i>	1,218	4,726	0	3,999	1,800
<i>March</i>	4,659	7,754	5,419	10,039	12,708
<i>April</i>	11,867	15,228	15,338	14,065	20,024
<i>May</i>	23,252	25,205	31,503	33,885	46,333
<i>June</i>	12,626	20,370	20,310	35,179	27,863
<i>July</i>	16,476	23,610	14,248	28,871	29,176
<i>August</i>	21,020	16,010	24,294	24,708	26,105
<i>September</i>	22,140	18,638	29,811	14,986	24,351
<b>Total</b>	<b>\$149,502</b>	<b>\$171,497</b>	<b>\$181,440</b>	<b>\$209,615</b>	<b>\$225,266</b>

**Table 6: Lone Star Riverboat Revenue to the City**

	Rev. 94-95	Rev. 95-96	Rev. 96-97	Rev. 97-98	Rev. 98-99
<i>October</i>	1,129	1,066	895	1,016	981
<i>November</i>	513	528	597	567	505
<i>December</i>	87	289	498	470	183
<i>January</i>	83	65	36	130	42
<i>February</i>	61	236	0	200	84
<i>March</i>	233	388	271	502	586
<i>April</i>	594	761	767	703	927
<i>May</i>	1,163	1,260	1,575	1,694	2,156
<i>June</i>	631	1,019	1,015	1,627	1,302
<i>July</i>	824	1,181	712	1,444	1,350
<i>August</i>	1,051	800	1,215	1,153	1,204
<i>September</i>	1,107	932	1,491	749	1,130
<b>Total</b>	<b>\$7,476</b>	<b>\$8,525</b>	<b>\$9,072</b>	<b>\$10,255</b>	<b>\$10,450</b>

**D. L'Aviron Rowing**

<b>Concessionaire</b>	<b>Location</b>
Ms. Anne Marie Heilman (Paquet)	North shore of Town Lake, off of
P.O. Box 50424	Stephen F. Austin Drive
Austin, Texas 78703	
<b>Hours of Operation</b>	<b>Sign Posted</b>
5:00 p.m. – 8:00 p.m. Monday – Friday	Yes
8:00 a.m. – 12:00 p.m. Saturday and Sunday	

**General Activities**

L'Aviron Rowing provides rowing lessons for \$55, which includes one hour with an instructor and 2 additional hours of on-the-water training. Private coaching is available for \$25 per half-hour. Shells are not rented to people without rowing experience. Many citizens of Austin utilize this concession several times each week as a part of their physical fitness schedule. According to Anne Marie Heilman Paquet, who works at the concession and is a United States Rowing Association Coach, rowing is an excellent way to deal with the tensions of life while achieving a solid cardiovascular workout in the beautiful setting of Town Lake. Unlimited rowing memberships are available on a one year, six month, or three month basis for \$400, \$250, and \$150 respectively. Corporate rates are also available upon request.

This concession currently operates on a month-to-month basis. An award for concession has been granted to L'Aviron and contract negotiations are currently underway. The current commission rate of 10% is applied to gross sales each month, resulting in revenue for the City. Tables 7 & 8 illustrate the monthly sales to the City for Texas Rowing / L'Aviron Rowing for the past five fiscal years. The 1998-99 sales of \$87,471 are 44.8% more than the 1997-98 sales, resulting in a 36.5% or an \$2,210 increase in revenue.

**Concession Review**

A desk review of the concession was completed to assess certain financial and performance related contract compliance issues, i.e. quarterly sales tax reports, monthly financial reports and insurance bond coverage. The City has received all of the revenue due under the contract; results indicate all insurance's are in compliance of contract. City has yet to receive copy most recent quarterly sales tax return filed with state. Contractor has corrected previous deficiencies in record keeping.

**Table 7: L'Aviron Rowing / Texas Rowing Sales**

	Sales 94-95	Sales 95-96	Sales 96-97	Sales 97-98	Sales 98-99
<i>October</i>	3,218	5,375	4,673	5,900	4,667
<i>November</i>	2,361	3,568	5,630	1,454	2,950
<i>December</i>	1,171	1,178	2,430	2,405	3,806
<i>January</i>	2,565	5,278	2,020	1,940	3,191
<i>February</i>	3,759	3,498	3,594	3,115	5,432
<i>March</i>	3,759	2,994	3,475	7,159	5,009
<i>April</i>	3,619	3,084	3,330	7,515	6,504
<i>May</i>	4,719	3,885	5,420	6,940	8,484
<i>June</i>	2,875	5,222	7,456	3,764	9,840
<i>July</i>	5,284	5,759	5,186	6,985	11,930
<i>August</i>	3,932	5,844	2,990	6,845	10,267
<i>September</i>	3,780	2,710	5,130	6,360	15,391
<b>Total</b>	\$41,042	\$48,395	\$51,334	\$60,382	\$87,471

**Table 8: L'Aviron Rowing / Texas Rowing Revenue to the City**

	Rev. 94-95	Rev. 95-96	Rev. 96-97	Rev. 97-98	Rev. 98-99
<i>October</i>	322	498	467	590	450
<i>November</i>	236	330	563	145	276
<i>December</i>	117	109	243	241	360
<i>January</i>	256	489	202	194	300
<i>February</i>	376	296	353	312	510
<i>March</i>	376	504	347	716	481
<i>April</i>	362	374	333	752	615
<i>May</i>	472	389	542	694	807
<i>June</i>	288	522	686	376	926
<i>July</i>	528	576	308	699	1121
<i>August</i>	393	584	517	695	968
<i>September</i>	378	271	564	636	1446
<b>Total</b>	\$4,104	\$4,942	\$5,125	\$6,050	\$8,260

**E. Zilker Canoe Rentals**

<b>Concessionaire</b>	<b>Location</b>
Mr. Howard Barnett	West side of Barton Creek immediately below
2202-A Homedale Drive	Barton Springs Pool
Austin, Texas 78704	
<b>Hours of Operation</b>	<b>Sign Posted</b>
March – Labor Day: Weekdays: 11:00 a.m. – dusk Weekdays and Holidays: 9:00 a.m. – dusk After Labor Day: 11:00 a.m. – dusk, weekends only	Yes

**General Activities**

Zilker Canoe Rentals is the City's oldest boating concession. Mr. Howard Barnett started the concession in 1969 and throughout the years has not only provided the City with consistent revenues, but has also provided many boating experiences to groups from various organizations free of charge. Some of these organizations include: the Austin Association for Retarded Citizens, the Austin Public Library System, the Austin Sunshine Camp, the Austin-Travis County Mental Health Mental Retardation Center, the Texas School for the Blind, and the Texas School for the Deaf. By allowing the use of the canoes during non-peak hours to groups such as these, Mr. Barnett has afforded experiences to many people who would otherwise never have an opportunity to canoe. A five year contract with a five year extension option was executed on 6/20/95. The first 5 years of this contract will expire on 6/19/2000.

Life jackets are supplied to all renters and required for children under 12. Zilker Park Canoe Rentals currently pays 11% of its first \$40,000 in sales and 12% thereafter to the City.

Tables 9 & 10 illustrate the monthly sales and revenue to the City for Zilker Canoe Rentals for the past five fiscal years. The 1998-99 sales of \$154,641 are 45% more than the 1997-98 sales, resulting in a 39% or a \$4.835 increase in revenue.

**Concession Review**

A desk review of the concession was completed to assess certain financial and performance related contract compliance issues, i.e. quarterly sales tax reports, monthly financial reports and insurance bond coverage. The City has received all of the revenue due under the contract; results indicate all insurance's are in compliance of contract.

**Table 9: Zilker Canoe Rental Sales**

	Sales 94-95	Sales 95-96	Sales 96-97	Sales 97-98	Sales 98-99
<i>October</i>	3,353	6,986	4,707	2,644	7,365
<i>November</i>	3,075	3,505	3,769	4,423	4,496
<i>December</i>	630	2,065	3,283	698	2,452
<i>January</i>	2,821	4,339	3,168	4,784	4,022
<i>February</i>	4,400	5,316	5,750	5,150	12,069
<i>March</i>	9,243	16,533	9,374	10,455	13,757
<i>April</i>	12,628	16,337	4,529	18,805	20,211
<i>May</i>	10,225	16,161	15,220	17,883	23,981
<i>June</i>	9,882	16,783	5,904	12,943	17,441
<i>July</i>	14,849	15,837	6,059	12,415	18,495
<i>August</i>	8,931	8,405	11,022	8,673	15,296
<i>September</i>	7,822	7,978	6,633	7,800	15,055
<b>Total</b>	<b>\$87,859</b>	<b>\$120,245</b>	<b>\$79,418</b>	<b>\$106,673</b>	<b>\$154,641</b>

**Table 10: Zilker Canoe Rental Revenue to the City**

	Rev. 94-95	Rev. 95-96	Rev. 96-97	Rev. 97-98	Rev. 98-99
<i>October</i>	369	776	565	317	817
<i>November</i>	338	389	452	531	498
<i>December</i>	69	229	394	84	272
<i>January</i>	310	442	348	526	714
<i>February</i>	484	585	633	566	1,226
<i>March</i>	1,017	1,684	1,031	1,150	1,398
<i>April</i>	1,389	1,664	498	2,068	2,144
<i>May</i>	1,125	1,796	1,674	2,148	2,658
<i>June</i>	1,186	1,865	708	1,553	1,933
<i>July</i>	1,782	1,760	727	1,489	2,219
<i>August</i>	982	934	1,323	1,041	1,696
<i>September</i>	939	886	796	936	1,669
<b>Total</b>	<b>\$9,990</b>	<b>\$13,010</b>	<b>\$9,149</b>	<b>\$12,409</b>	<b>\$17,244</b>

**F. Zilker Zephyr Railroad**

<b>Concessionaire</b>	<b>Location</b>
Mr. Tom Larkin	Zilker Park
Texas Special, Inc., DBA Zilker Zephyr Austin, Texas 78704	Train Station located next to playscape.
<b>Hours of Operation</b>	<b>Sign Posted</b>
	Yes

**General Activities**

On November 16, 1996, the City Council awarded a new contract to Texas Special, Inc. to operate this concession. After construction and renovations, Texas Special began operating in March 1997. Texas Special currently pays 11% of its sales to the City.

Tables 11 & 12 illustrate the monthly sales and revenue to the City for Zilker Zephyr (formerly Zilker Eagle) Railroad for the past five fiscal years. The 1998-99 sales of \$307,027 are 34.5% more than the 1997-98 sales, resulting in a 28.8% or a \$7,206 increase in revenue.

**Concession Review**

A desk review of the concession was completed to assess certain financial and performance related contract compliance issues, i.e. quarterly sales tax reports, monthly financial reports and insurance bond coverage. The City has received all of the revenue due under the contract; results indicate all insurance's are in compliance of contract

**Table 11: Zilker Zephyr Railroad Ticket and Souvenir Sales**

	Sales 94-95	Sales 95-96	Sales 96-97	Sales 97-98	Sales 98-99
<i>October</i>	0	24,350	0	13,149	19,573
<i>November</i>	1,860	12,040	0	17,366	18,901
<i>December</i>	8,490	12,140	0	11,443	16,911
<i>January</i>	8,400	12,110	0	13,567	21,597
<i>February</i>	8,400	18,110	0	13,869	24,063
<i>March</i>	20,540	24,080	22,837	26,446	32,220
<i>April</i>	24,349	26,560	19,401	29,116	34,730
<i>May</i>	28,738	20,590	28,491	27,242	26,556
<i>June</i>	26,595	26,690	23,551	22,337	29,536
<i>July</i>	32,570	20,460	28,084	21,775	34,605
<i>August</i>	14,598	20,380	23,062	16,569	22,205
<i>September</i>	18,060	21,930	20,911	15,471	26,130
<b>Total</b>	\$192,600	\$239,440	\$166,337	\$228,350	\$307,027

**Table 10: Zilker Zephyr Railroad Ticket and Souvenir Revenue to the City**

	Rev. 94-95	Rev. 95-96	Rev. 96-97	Rev. 97-98	Rev. 98-99
<i>October</i>	0	2,435	0	1,446	2,007
<i>November</i>	186	1,204	0	1,910	1,921
<i>December</i>	849	1,214	0	1,166	1,718
<i>January</i>	840	1,211	0	1,492	2,195
<i>February</i>	840	1,811	0	1,526	2,445
<i>March</i>	2,054	2,408	2,512	2,909	3,274
<i>April</i>	2,435	2,656	2,134	3,203	3,529
<i>May</i>	2,878	2,059	3,134	2,997	3,715
<i>June</i>	2,659	2,669	2,591	2,457	3,001
<i>July</i>	3,257	2,046	3,089	2,395	3,516
<i>August</i>	1,460	2,038	2,537	1,823	2,256
<i>September</i>	1,806	2,193	2,300	1,702	2,655
<b>Total</b>	\$19,264	\$23,944	\$18,297	\$25,026	\$32,232

## Attachment: A

### PARKS AND RECREATION DEPARTMENT POLICY/PROCEDURE

Title: Policy for Concessions on City Parkland      Effective Date: 3/13/98

Council Approval: March 12, 1998      Revised Date: October 21, 1997

Purpose: To establish a policy for concessions on all City parkland.

Reference:

Policy: The Parks and Recreation Department (PARD) has developed this policy regarding the limited private commercial use within the City's park system in the form of concessions, including permanent and temporary concessions. These policies are intended to maintain the aesthetic and environmental quality of the City's park system and to ensure a financial return to the City of Austin from such uses or to provide a public good to the citizens of Austin.

All proposals for concessions on Town Lake will be reviewed in compliance with Chapter 11-3 of the City code. The definition of a concession is as follows: " Any privately operated business on parkland serving park users, authorized by the City in accordance with applicable ordinance requirements. Types of businesses operated as concessions may include without limitation, food and beverage stands, boat rentals, excursion boats, boating lessons, bicycle rentals, and pushcarts." Concessions also include businesses which provide souvenirs and other goods and services to park users and which generally pay a portion of their revenue to the City or provide a public good to the citizens of Austin.

There are three categories of concessions: 1) new permanent concessions, 2) existing permanent concessions, whose contracts have expired, and 3) unsolicited temporary concessions. The following policies will address the development of permanent concessions on parkland and establish guidelines for temporary concessions.

## New Permanent Concession Development<sup>1</sup>

In order to comply in a timely manner with the Town Lake Ordinance the following time line will be followed annually:

April 1 – June 30	Staff will accept input for new concession ideas through various methods e.g., surveys of boards, commissions, advisory groups and park users; public notice; and requests for written suggestions from the general public.
By July 31	Staff will submit a report to the Parks and Recreation Board and the Environmental Boards, describing all proposals received for new concessions ideas.
By August 31	A subcommittee made up of City staff, representatives of the Parks and Recreation Board and the Environmental Board will review concepts and make recommendations to each Board.
By September 30	The Environmental Board and the Parks and Recreation Board will recommend which of the concession concepts (if any) should go forward to a public hearing. Potential locations of all the concessions must be determined prior to the setting of the public hearing. No less than 21 days prior to the public hearing, signs will be posted at the prospective locations of the concession(s). Notices will be sent to all interested parties including the media.
By October 31	Staff will present the annual concession report <sup>2</sup> . This report will provide a synopsis of this process and will include the Environmental Board, Parks and Recreation Board and staff recommendations.
By November 30	The Parks and Recreation Board and the Environmental Board will forward to the City Council their response to the annual report.
By January 31	Staff will issue RFPs for new concessions approved by Council.

RFPs for new permanent concessions will require payments based on a flat fee schedule or on a percentage basis of gross sales less sales tax. The method of payment for each concession will be determined on a case by case basis by the Parks and Recreation Director. The flat fee or percentage of sales methods will be determined based on an analysis of the location and type of concession and will be calculated by City staff. The contracts will require an annual review of the concession to determine incremental increases to the fees after the second year of the contract. Additionally, for the flat fee, concessionaires will be required to pay a percentage of their gross sales, once sales exceed the targeted annual gross sales on which the flat fee is based.

<sup>1</sup> A permanent concession is defined as a concession, which has or is eligible for a contract of a year or more and generally has a permanent structure.

<sup>2</sup> As required by Town Lake Ordinance No. 890126.

An evaluation team will review RFP responses and make recommendations to Council. (As allowed by chapter 11-3 of the City code, the evaluation team will include staff and may include one representative from each of the following organizations: Parks and Recreation Board, Environmental Board, and Design Commission.) Recommendations for award of contracts as a result of this process will be forwarded to the Parks and Recreation Board for review and recommendation prior to the City Council action. Following Council approval, a contract will be negotiated and executed.

#### Permanent Concession Policy for Existing Contracts About to Expire.

Staff will gather public input concerning items that should be addressed in a new contract, for an existing concessions 90 days prior to contract's expiring.

RFPs will be issued for new contract periods for existing concessions. An evaluation team will review the proposals and make recommendations to the Parks and Recreation Board. The evaluation team will include staff and may include one representative from the Parks and Recreation Board, Environmental Board, and Design Commission. Requests for Council Action (RCAs) will be submitted to Council for contract award.

RFPs for existing concessions will require payments based on a flat fee schedule or on a percentage basis (as they stand now) for the term of the contract. The method of payment for concessions will be determined on a case by case basis, by the Parks and Recreation Director. The flat fee or percentage of sales payment will be based on an analysis of the location and type of concession and on a five-year history of that particular concession. City staff will calculate this fee. For the flat fee method, the contracts will require an annual review of the concession to determine incremental increases to the flat fee after the first year of the contract. Additionally, concessionaires will be required to pay a percentage of their gross sales, once sales exceed the targeted annual gross sales on which the flat fee is based.

#### Temporary - Seasonal Concession Policy

A temporary or seasonal concession is defined as a concession which does not require a building or other type of permanent structure from which to operate and has a contract term limited to one year or less. Fees for temporary or seasonal contracts will be established by the City Council in the annual budget. Any temporary concession granted a temporary/seasonal permit two times within a 12 month period will be considered in the annual process for new permanent concessions. The Director of Parks and Recreation is authorized to negotiate and enter into temporary or seasonal concession contracts based on predetermined criteria to include impact, location, service level, revenues to the City, and any other criteria which may be in the best interest of the City and the use of its parkland.

### Single Day – Temporary Permits

A single day temporary permit is defined as a concession set up outside of a special event taking place in a City Park. This concessionaire would have the opportunity to purchase a one-day permit for \$50.00 at the site of the event or cease and remove the operation of the concession from the area immediately.

### Performing Artists in the Parks

Performing artists are allowed to entertain in the parks provided they register with and are approved by the Director of the City of Austin Parks and Recreation Department. Performing artists are categorized under the single day – temporary permit fee structure. The fee for performing artists will be \$10.00 a day and may be purchased in 2-week increments. When applying, the performing artist must provide specific days of operation, so this can be reflected on the permit.

Individuals may perform as artists or entertainers in any City park as long as they meet the following conditions. They:

- A. May not block sidewalks or in any way impede pedestrian or vehicular traffic circulation.
- B. May not be within 100 feet of an existing concession's main operating location.
- C. May set up at special events only with written permission of event organizer.
- D. May not use Amplified sound.
- E. Juggling of potentially hazardous materials or items such as knives or fire is prohibited.
- F. Any money exchanged must be on a "tips" or donation basis only, with the amount to be determined by the donor.
- G. Entertainers must carry the permit issued by the Parks and Recreation Department allowing them to perform in the park. This permit is to be available on request by any park employee charged with patrolling or supervising park use or by any citizen.
- H. May not impede or interfere with the use of park facilities or scheduled activities.

Failure to produce the permit issued from the Parks and Recreation Department can result in immediate expulsion from the park.

Report(s) Required: This policy is to be reviewed by the Parks Board every three years from the date of original approval with changes to be approved by Council. The Director of Parks and Recreation is authorized to develop guidelines and make changes thereto for the implementation of this policy.



MEMORANDUM

To: Parks and Recreation Board

From: Jesus M. Olivares, Director  
Parks and Recreation Department

Date: October 26, 1999

Subject: Construction of Spence Boat dock at 1905 Manana Street  
File No. SP-99-2052DS.

A request has been received from Signor Enterprises on behalf of Irving and Betty Spence to construct a boat dock at 1905 Manana Street on Lake Austin.

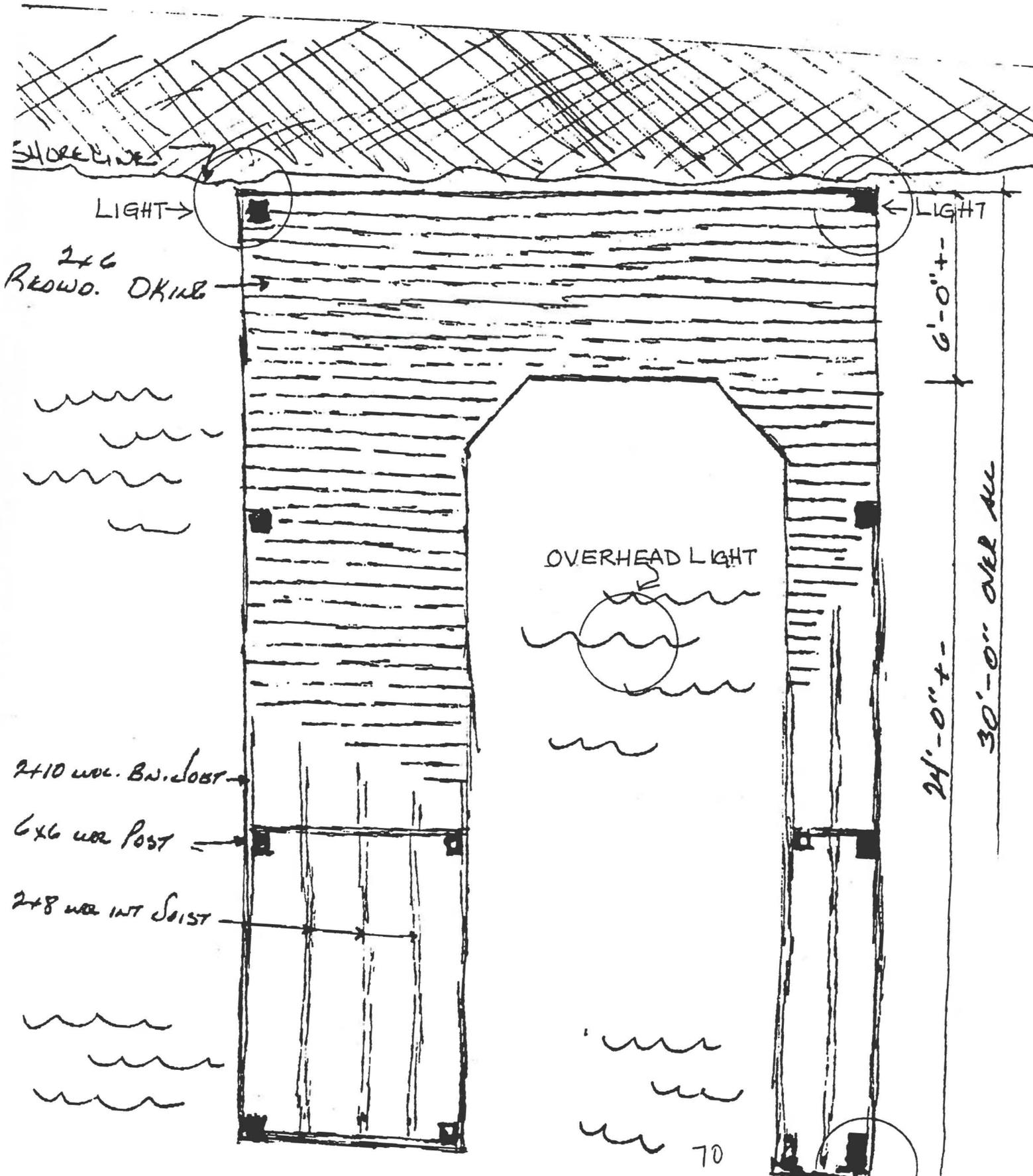
The Parks and Recreation Department (PARC) staff has reviewed plans for the proposed project and finds they meet the requirements of Article VI, Part E, (Requirements for the Construction of Boat Docks) of the Land Development Code.

RECOMMENDATION:

I recommend approval of the above request as detailed in the attached site plan.

Jesus M. Olivares, Director  
Parks and Recreation Department

# SPENCE FAMILY BOAT DOCK





## MEMORANDUM

To: Parks and Recreation Board

From: Jesus M. Olivares, Director  
Parks and Recreation Department

Date: October 26, 1999

Subject: Construction of Stafford Boat dock at 3115 Brass Buttons Trail  
File No. SP-99-0234DS.

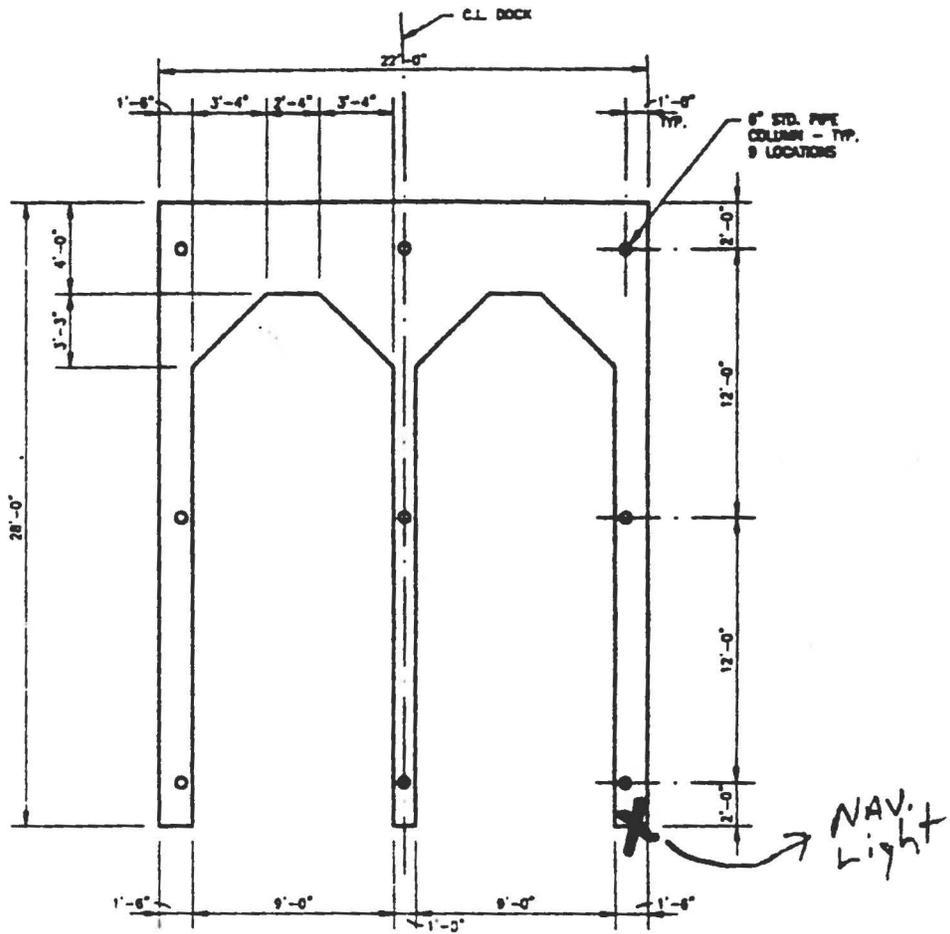
A request has been received from Signor Enterprises on behalf of Robert Stafford to construct a boat dock at 3115 Brass Buttons Trail on Lake Austin.

The Parks and Recreation Department (PARD) staff has reviewed plans for the proposed project and finds they do not meet the requirements of Article XIII, Section 25-2-1176, (Regulations for the Construction of Boat Docks) of the Land Development Code. The proposed docks exceed 20 percent of the shoreline width of the land on which the structure is to be constructed. The applicant is requesting a variance from the 20% frontage limitation.

### RECOMMENDATION:

I do not recommend approval of the above request as detailed in the attached site plan.

Jesus M. Olivares, Director  
Parks and Recreation Department



3  
S1 BOAT DOCK PLAN  
SCALE: 3/16" = 1'-0"

SURFACE WATER ELEVATION 492.8

DECK ELEVATION 494.8

78

( / ) NAVAGTION LIGHTS: EACH TWO-BULB



MEMORANDUM

To: Parks and Recreation Board

From: Jesus M. Olivares, Director  
Parks and Recreation Department

Date: October 26, 1999

Subject: Construction of Wendlandt Boat dock at 1716 Channel Road  
File No. SP-99-2068DS.

A request has been received from Jerry Lee on behalf of Buddy Wendlandt to construct a boat dock at 1716 Channel Road on Lake Austin.

The Parks and Recreation Department (PARD) staff has reviewed plans for the proposed project and finds they do not meet the requirements of Article XIII, Section 25-2-1176, (Regulations for the Construction of Boat Docks) of the Land Development Code. The proposed docks exceed 20 percent of the shoreline width of the land on which the structure is to be constructed. The applicant is requesting a variance from the 20% frontage limitation.

RECOMMENDATION:

I do not recommend approval of the above request as detailed in the attached site plan.

Jesus M. Olivares, Director  
Parks and Recreation Department

October 3, 1999

Parks and Recreation Department  
City of Austin

Re: Proposed Boat Dock  
1716 Channel Road

Dear Sirs:

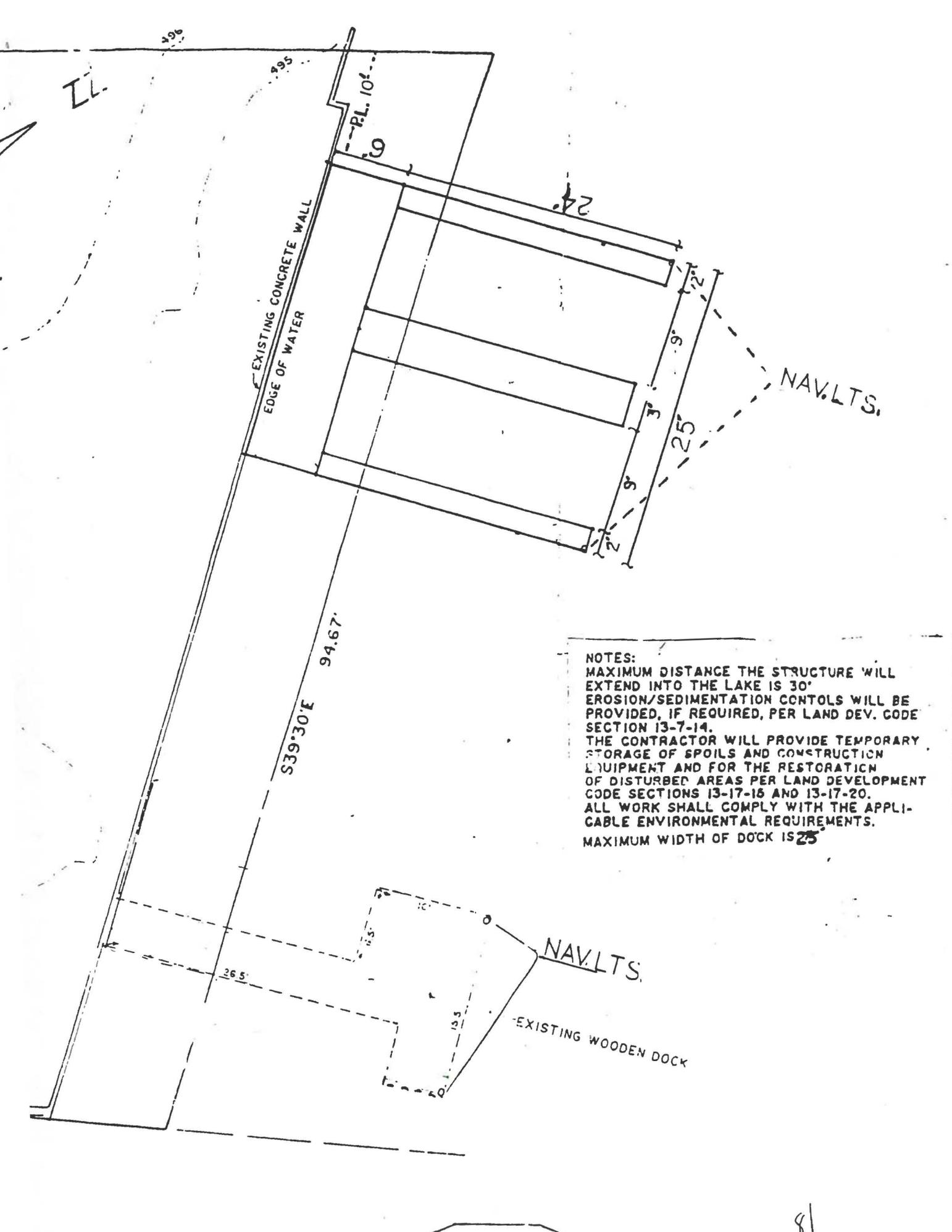
I am requesting a variance from the 20% frontage limitation in order to construct a boat dock at my home. The variance is justified for the following reasons:

- 1) This property has been in my family for over 50 years. The property currently has a wooden pier that covers approximately 15% of the waterfront. This pier was originally built in the late 1940's or early 1950's and has been the primary usage of the property for my children and grandchildren. It would be very difficult sentimentally to remove the pier in order to build a boathouse.
- 2) The property also had a boathouse for many years. The boathouse was torn down because it had deteriorated, but the concrete footings are still visible in the lake.
- 3) I am 75 years old and in reasonably good health. However, bouts with cancer, an aortic aneurysm and other ailments make it very difficult for me to launch and retrieve a boat from a ramp. Although the property has been in my family for many years, I only gained individual ownership in 1984. It was always my intention to build and live on this property, but I was not financially able to do this until recently.
- 4) The property is substantially wider than most of the nearby properties. Therefore, the requested variance would not detract from the view of the shoreline. Additionally, most of the nearby properties exceed the 20% limitation, most likely because the shoreline structures are quite old.
- 5) The proposed boathouse contains two slips. This is to enable me to use my fishing boat and to enable my children and grandchildren to use their ski boat.

I greatly appreciate your consideration of this request.

Yours truly,

  
Henry Wendlandt, Jr.



NOTES:  
 MAXIMUM DISTANCE THE STRUCTURE WILL  
 EXTEND INTO THE LAKE IS 30'  
 EROSION/SEDIMENTATION CONTROLS WILL BE  
 PROVIDED, IF REQUIRED, PER LAND DEV. CODE  
 SECTION 13-7-14.  
 THE CONTRACTOR WILL PROVIDE TEMPORARY  
 STORAGE OF SPOILS AND CONSTRUCTION  
 EQUIPMENT AND FOR THE RESTORATION  
 OF DISTURBED AREAS PER LAND DEVELOPMENT  
 CODE SECTIONS 13-17-18 AND 13-17-20.  
 ALL WORK SHALL COMPLY WITH THE APPLI-  
 CABLE ENVIRONMENTAL REQUIREMENTS.  
 MAXIMUM WIDTH OF DOCK IS 25'



MEMORANDUM

To: Parks and Recreation Board

From: Jesus M. Olivares, Director  
Parks and Recreation Department

Date: October 26, 1999

Subject: Construction of Pizzitola Boat dock at 3113 Brass Buttons Trail  
File No. SP-99-2082DS.

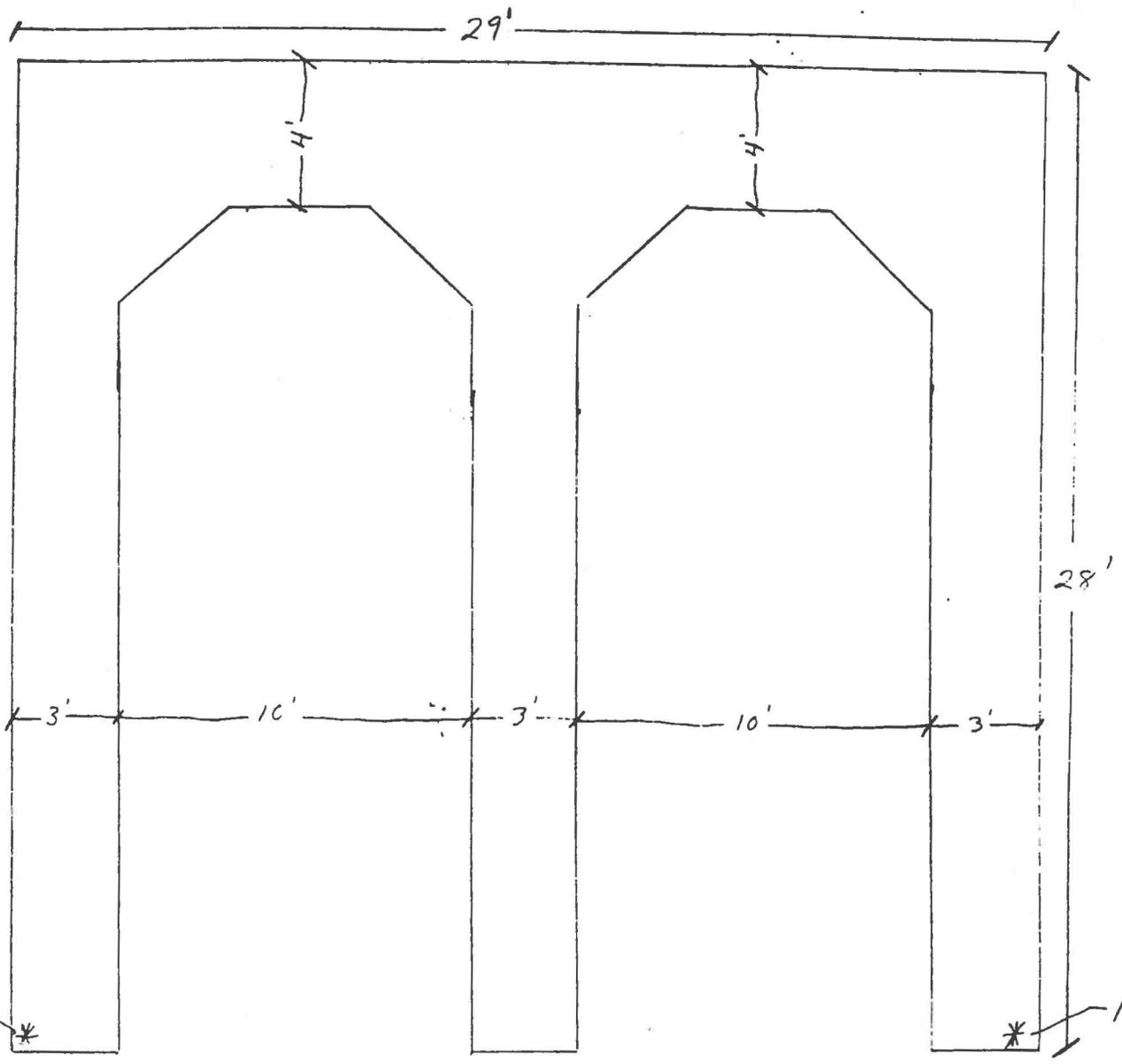
A request has been received from Signor Enterprises on behalf of Don Gibson to construct a boat dock at 3113 Brass Buttons Trail on Lake Austin.

The Parks and Recreation Department (PARD) staff has reviewed plans for the proposed project and finds they do not meet the requirements of Article XIII, Section 25-2-1176, (Regulations for the Construction of Boat Docks) of the Land Development Code. The proposed docks exceed 20 percent of the shoreline width of the land on which the structure is to be constructed. The proposed dock also extends greater than 30' from the shoreline.

RECOMMENDATION:

I do not recommend approval of the above request as detailed in the attached site plan.

Jesus M. Olivares, Director  
Parks and Recreation Department



Navigation Light \*

Navigation Light \*